

The Hon. Lauren King

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CR22-187-LK

Plaintiff

V.

MICHAEL KINZEL.

Defendant,

and

ANDRE'A GONZALES.

Third-Party Claimant.

**STIPULATION AND
[PROPOSED] ORDER SETTLING
THIRD-PARTY CLAIM TO
FIREARMS**

**NOTE ON MOTION CALENDAR:
April 23, 2025**

The United States and Third-Party Claimant Andre'a Gonzales present the following Stipulation and proposed Order to settle Ms. Gonzales' asserted interest in a Ruger LCP II .22 caliber pistol, serial number 380807343 (the "Ruger Pistol") that was forfeited by Defendant Michael Kinzel in this case:

I. BACKGROUND

Defendant Michael Kinzel agreed to forfeit the Ruger Pistol pursuant to the Plea Agreement he entered on December 8, 2023. Dkt. No. 53. Prior to sentencing, the Court entered a Preliminary Order of Forfeiture forfeiting Defendant's interest in the Subject Firearm. Dkt. No. 64.

1 As required by 21 U.S.C. § 853(n)(l) and Fed. R. Crim. P. 32.2(b)(6)(C), the
 2 United States published notice of the Preliminary Order of Forfeiture and its intent to
 3 dispose of the Ruger Pistol in accordance with governing law. Dkt. No. 67. That notice
 4 informed any third parties claiming an interest in the property that they were required to
 5 file a petition with the Court within 60 days of the notice's first publication on
 6 February 14, 2024. *Id.* As required by Fed. R. Crim. P. 32.2(b)(6)(A), the United States
 7 sent direct notice and a copy of the Preliminary Order of Forfeiture to Andre'a Gonzales,
 8 as she appeared to be a potential claimant to the Ruger Pistol based on the underlying
 9 investigative material.

10 Ms. Gonzales filed a timely claim (Dkt. No. 78) and an amended claim (Dkt. No.
 11 81), in which she asserted she was the lawful owner of the Ruger Pistol.

12 No competing claims to the Ruger Pistol have been filed, and the period for doing
 13 so expired on or about April 14, 2024, for the published notice, and on May 26, 2024, for
 14 direct notice.

15 **II. STIPULATION**

16 The United States and Ms. Gonzales HEREBY STIPULATE to the following:

17 1. In support of her claim, Ms. Gonzales asserts that she is the owner of the
 18 Ruger Pistol and that she purchased it from Sportmans Warehouse in Federal Way,
 19 Washington, in April 2021.

20 2. The information provided by Ms. Gonzales is consistent with the
 21 information contained on the firearms trace report for the Ruger Pistol ("Tracing Report")
 22 prepared by the United States Department of Justice, Bureau of Alcohol, Tobacco,
 23 Firearms and Explosives ("ATF"). The Tracing Report confirms that Ms. Gonzales was
 24 the last individual to purchase the Ruger Pistol from a Federal Firearms Licensee ("FFL")
 25 and further confirms that Ms. Gonzales purchased the Ruger Pistol on April 21, 2021,
 26 from Sportsmans Warehouse, a FFL, in Federal Way, Washington.

1 3. The Federal Bureau of Investigation has confirmed that Ms. Gonzales has
2 no identifiable criminal history precluding her from possessing a firearm at this time.

3 4. Ms. Gonzales affirms that neither she nor any person living in her residence
4 is prohibited from possessing a firearm.

5 5. Based on the information and affirmations reflected in Paragraphs 1–2,
6 above, the United States agrees that Ms. Gonzales had a vested interest in the Ruger
7 Pistol, pursuant to 21 U.S.C. § 853(n)(6)(A), before Defendant in this case possessed it.

8 6. The United States recognizes Ms. Gonzales' vested interest in the Ruger
9 Pistol and agrees the government will return it to Ms. Gonzales following the criminal
10 proceedings in this case, to include any criminal appeal. The seizing agency, FBI, will
11 affect the return of the Ruger Pistol to Ms. Gonzales.

12 7. Ms. Gonzales understands the Ruger Pistol constitutes evidence in this case
13 and cannot be returned prior to the completion of these criminal proceedings, to include
14 any criminal appeal.

15 8. Ms. Gonzales understands and agrees the Ruger Pistol will be returned to
16 her in its current condition, that is, in the condition that it was seized from Defendant in
17 this case.

18 9. Ms. Gonzales understands and agrees that this Stipulation fully and finally
19 resolves her claims to the Ruger Pistol. Ms. Gonzales waives any right to further litigate
20 or pursue her claims, in this or any other proceeding, judicial or administrative.

21 10. Ms. Gonzales agrees to release and hold harmless the United States, its
22 agents, representatives, and/or employees, as well as any involved state or local law
23 enforcement agencies, their agents, representatives, and/or employees, from any and all
24 claims Ms. Gonzales may possess, or that could arise, based on the seizure, detention,
25 and/or return of the Ruger Pistol.

11. The United States and Ms. Gonzales agree they will each bear their own costs and attorneys' fees associated with the seizure, detention, and return of the Ruger Pistol, as well as with respect to Ms. Gonzales' claims and this Stipulation.

12. The United States and Ms. Gonzales agree that the terms of this Stipulation are subject to review and approval by the Court, as provided in the proposed Order below. If the Court enters the proposed Order, a violation of any term or condition of this Stipulation shall be construed to be a violation of that Order.

Respectfully submitted,

TEAL LUTHY MILLER
Acting United States Attorney

DATED: April 23, 2025

s/Karyn S. Johnson

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DATED: April 22, 2025

s/Andre'a Gonzales

ANDRE'A GONZALES*
Third-Party Claimant
Renton, WA
**Signed by AUSA Johnson on behalf of
Andre'a Gonzales per email authorization on
April 22, 2025*

PROPOSED ORDER

The Court has reviewed the above Stipulation between the United States and Third-Party Claimant Andre'a Gonzales, settling the interest Ms. Gonzales has asserted in the Ruger Pistol, Dkt. Nos. 78, 81, that were forfeited by Defendant Michael Kinzel in this case, Dkt. No. 64.

The Court HEREBY APPROVES the Stipulation and Settlement and its terms.

IT IS SO ORDERED.

DATED this 24th day of April , 2025.

Lauren King
THE HON. LAUREN KING
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2025, I electronically filed the foregoing Notice with the Clerk of the Court using the CM/ECF system, which sends notice of the filing to all ECF participants of record.

I hereby further certify that on April 23, 2025, I provided direct notice of the foregoing, at the addresses listed below, by U.S. First Class Mail and/or by electronic mail, as indicated:

Andre'a Gonzales
[REDACTED]
Renton, WA 98058
[REDACTED] gmail.com

s/Hannah G. Williams
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